

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**JOSE JORGE DOMINGUEZ,  
and all others similarly  
situated under 29 U.S.C. 216 (b),  
Plaintiff,**

**V.**

**KINCAID, INC.,  
CAMPUZANOS DALLAS, L.L.C.,  
and BRIAN HARDING,  
Defendants.**

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**CIVIL ACTION NO. 3:16-cv-00143-L**

## JOINT STATUS REPORT REGARDING BANKRUPTCY PROCEEDINGS

**TO THE HONORABLE JUDGE OF SAID COURT:**

**COME NOW** Plaintiff, Jose Jorge Dominguez, and Defendants, Kincaid, Inc., Campuzanos Dallas, L.L.C., and Brian Harding (hereinafter the “Parties”), in the above-entitled and numbered cause, and pursuant to the Court’s Order of May 4, 2018, (**DE 57**), submit this, their Joint Status Report Regarding the Status of the Bankruptcy Proceedings, and would show the Court the following:

1. Hard-Mire Restaurant Holdings, LLC f/k/a Campuzanos Dallas, LLC, (“Hard-Mire”) a Defendant herein, filed a Voluntary Petition under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Texas, on May 4, 2018 under Bankruptcy Case Number: 18-31575-11. Plaintiff and the firm of J.H. Zidell, P.C. have filed their claims against Hard-Mire in that bankruptcy case.

2. The Scheduling Order in the Bankruptcy case requires Hard-Mire to file a Plan of Reorganization by October 5, 2018 and to confirm a Plan no later than November 19, 2018.

3. In the event that Hard-Mire confirms its Plan of Reorganization, such Plan will dispose of and resolve the claims and causes of action asserted by Plaintiff against Hard-Mire in this action through the claims objection process and the treatment of Plaintiff's claim under such Plan, leaving Plaintiff's claims against Defendants Kincaid Inc. and Brian Harding for trial in this matter subject to an off-set for any amount recovered by Plaintiff pursuant to Hard-Mire's Plan of Reorganization. *See Hernandez v. Larry Miller Roofing, Inc.*, 628 Fed.Appx. 281 (5th Cir. 2016) (holding that corporate debtor's confirmed plan did not release FLSA claims against corporate officer and that discharge of employee's claims against corporate employer upon completion of payment's under the confirmed plan did not affect officer's joint and several liability for FLSA violations).

4. Plaintiff and Defendants therefore request that this matter be retained as administratively closed and that the parties will file their second Joint Status Report within 120 days from the date of this Report.

Respectfully submitted,

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And

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**ATTORNEY FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on all counsel and parties of record by electronic service in accordance with the local rules of the United States District Court for the Northern District of Texas, Dallas Division this 31st day of August, 2018.

s/ Joshua A. Petersen  
Joshua A. Petersen  
Counsel for the Plaintiff(s)